

LTR/08-375

#03868

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT - LAW DIVISION

Sylla Bangaly, Administrator of the)
Estate of HAWA SISSOKO, Deceased)
)
Plaintiff,) No.
)
v.)
)
ALFRED C. BAGGIANI, Individually and)
as Agent and Employee of ROADWAY)
EXPRESS, INC. a Delaware Corporation,)
ROADWAY EXPRESS, INC., a)
Delaware Corporation n/k/a YRC, a wholly)
Owned subsidiary of YRC Worldwide, Inc.,)
A Delaware Corporation and YRC)
WORLDWIDE, INC., a Delaware)
Corporation)
Defendants.)

2009L002542
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PL Other
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FILED-18
CIRCUIT COURT OF COOK
COUNTY ILLINOIS
LAW DIVISION
CLERK

COMPLAINT

COUNT I
WRONGFUL DEATH-NEGLIGENCE

NOW COMES the Plaintiff, SYLLA BANGALY, Administrator of the Estate of HAWA SISSOKO, Deceased, by and through his attorneys, GOLDBERG WEISMAN CAIRO, and complaining against the Defendants, states as follows:

1. That on and before May 30, 2007 and at all times pertinent hereto, the Defendants ROADWAY EXPRESS, INC., n/k/a YRC, a wholly owned subsidiary of YRC Worldwide, Inc., a Delaware Corporation (hereinafter called "REX") and YRC WORLDWIDE, INC. (hereinafter called "YRC") were Delaware Corporations doing business in the State of Illinois as a transportation service provider and at all times operated its trucking business out of a terminal and distribution facility located at 2000 Lincoln Highway, in the City of Chicago Heights, County of Cook and State of Illinois.

2. That on and before May 30, 2007 and at all times pertinent hereto, the Defendants REX AND YRC dispatched trucks out of its terminal and distribution facility in the City of Chicago Heights, County of Cook and State of Illinois for the purpose of transporting goods by and through the use of highways and roadways in the State of Illinois.

3. That on and before May 30, 2007 and at all times pertinent hereto, the Defendant, ALFRED C. BAGGIANI (hereinafter called "BAGGIANI"), was an authorized agent and employee of Defendants, REX and YRC and was acting within the course and scope of his employment with the Defendants.

4. That on May 30, 2007 and at all times pertinent hereto, the Defendant, BAGGIANI, was a resident of the City of Midlothian in the County of Cook and State of Illinois.

5. That on May 30, 2007 at approximately 11:10 a.m., the Plaintiff's Decedent, HAWA SISSOKO, was operating a certain motor vehicle eastbound on Interstate 80/90 at or near Mile Marker 31 in Porter County, Indiana.

6. That on May 30, 2007 at and before 11:10 a.m., Defendant BAGGIANI was in the course and scope of his employment with Defendants REX and YRC and was operating a 2003 Volvo Tractor bearing Illinois license plate number P434517 eastbound on Interstate 80/90 at or near Mile Marker 31 in Porter County, Indiana.

7. That prior to 11:10 a.m. on May 30, 2007 the 2003 Volvo Tractor bearing Illinois license plate number P434517 operated by Illinois resident, Defendant BAGGIANI, departed from the Defendants' terminal and distribution facility in the City of Chicago Heights and traveled over Illinois highways and roads for the purpose of delivering goods in the State of Pennsylvania.

8. That at approximately 11:10 a.m. on May 30, 2007 the Defendants' 2003 Volvo Tractor operated by Defendant, BAGGIANI, violently crashed into the rear of the Plaintiff's Decedent's motor vehicle, which was disabled in the roadway while eastbound on Interstate 80/90 at or near mile marker 31 in Porter County, Indiana.

9. That at the aforesaid time and place it was the duty of the Defendants and each of them to operate the 2003 Volvo Tractor in a manner so as not to cause injury to others then and there lawfully upon said roadway, including the Plaintiff's Decedent.

10. That notwithstanding the aforesaid duty, the Defendants were then and there guilty of one or more of the following careless and negligent acts and/or omissions:

- a) Operated the 2003 Volvo Tractor without keeping a proper and sufficient lookout for other motorists along and upon said roadway;
- b) Operated the 2003 Volvo Tractor at a speed which was greater than reasonable and proper with regard to traffic conditions and the use of the highway or which otherwise endangered the safety of persons and property on the roadway;
- c) Failed to decrease the speed of the 2003 Volvo Tractor so as to avoid striking another vehicle from the rear that was along and upon said roadway;
- d) Operated the 2003 Volvo Tractor without brakes adequate to control the movement of and to stop and hold said vehicle;
- e) Failed to give audible warning to others on the roadway when such warning was reasonably necessary to ensure the safety of others lawfully upon the roadway;
- f) Otherwise negligently operated the 2003 Volvo Tractor along and upon said roadway.

11. That one or more of the aforesaid careless and negligent acts and/or omissions of the Defendants was a proximate cause of said collision and the Plaintiff's Decedent's fatal injuries.

12. That on December 12, 2007, pursuant to an Order of the Circuit Court of Cook County, County Department, Probate Division, Sylla Bangaly was duly appointed Independent Administrator of the Estate of HAWA SISSOKO, Deceased (See Exhibit A).

13. That HAWA SISSOKO left surviving her parents Diaguila Sissoko and Goundo Dembele; and her brothers and sisters: Makan Sissoko, Samah Sissoko, Mohamed Sissoko, Ramata Sissoko, Mohammed Sissoko, Fatoumato Sissoko, Mariam Sissoko and Assetou Sissoko, all of whom are lawful heirs of the Estate of HAWA SISSOKO.

14. That as a direct and proximate result of the Defendants' negligence, the Estate of HAWA SISSOKO, Deceased, has suffered substantial pecuniary loss including the loss of services, consortium, companionship, comfort, instruction, guidance, counsel, training, love and support of HAWA SISSOKO, Deceased.

WHEREFORE the Plaintiff, Sylla Bangaly, Independent Administrator of the Estate of HAWA SISSOKO, Deceased, by and through his attorneys, GOLDBERG WEISMAN CAIRO, demands judgment against the Defendants and each of them in an amount in excess of the jurisdictional limits of the Law Division of the Circuit Court of Cook County and for such additional amounts as the jury and the Court shall deem proper, and the costs of this suit.

COUNT II
SURVIVAL ACTION-NEGLIGENCE

NOW COMES the Plaintiff, SYLLA BANGALY, Independent Administrator of the Estate of HAWA SISSOKO, Deceased, by and through his attorneys, GOLDBERG WEISMAN CAIRO, and complaining against the Defendants alleges and states as follows:

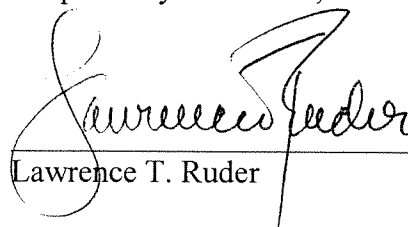
1-10. Plaintiff hereby realleges paragraphs 1 through 10 of Count I as and for Paragraphs 1 through 10 of this Count II as though fully set forth herein.

11. That as a direct and proximate result of one or more of the foregoing acts and/or omissions of the Defendants and each of them the Plaintiff's Decedent, HAWA SISSOKO, before her death then and there sustained severe and permanent injuries and also suffered great pain and anguish, both in mind and body as a proximate result of the catastrophic injuries that she sustained in the collision involving the Defendants' 2003 Volvo tractor.

WHEREFORE the Plaintiff, Sylla Bangaly, as Administrator of the Estate of HAWA SISSOKO, Deceased, prays for judgment against the Defendants in an amount in excess of the jurisdictional limits of the Law Division of the Circuit Court of Cook County and such additional amounts as the jury and the Court shall deem proper and the costs of this suit.

Respectfully Submitted,

By:


Lawrence T. Ruder

Lawrence Ruder
GOLDBERG WEISMAN CAIRO
One East Wacker Drive, Suite 3800
Chicago, IL 60601
312/464-1200
#03868

Order Appointing Representative of Decedent's Estate - Intestate

(Rev. 9/24/01) CCP 0314

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT - PROBATE DIVISION

ESTATE OF

Hawa Sissoko

Deceased

No. 2007 P 8087

Docket _____

Page _____

ORDER APPOINTING REPRESENTATIVE OF DECEDENT'S ESTATE - INTESTATE

On the verified petition of Sylla Bangaly
for issuance of letters of office,

IT IS ORDERED that:

1. Letters of office as Independent Administrator☐ 4232 (supervised administrator)☐ 4248 (independent administrator to collect)☐ 4249 (supervised administrator to collect)☐ 4230 (independent administrator)☐ 4237 (supervised administrator de bonis non)☐ 4236 (independent administrator de bonis non)☐ 4227 (supervised co-administrators)☐ 4231 (independent co-administrators)issue to Sylla Bangaly*2. ~~The representative file an inventory within 60 days.~~ ~~xxxx4192~~

A verified report per 5/28-11 or an accounting per 5/24-1 shall be filed by or the representative must appear in court on January 21, 2009 at 10:15 a.m.

Atty. No.: 40154Name: Ed RedaFirm Name: Reda | Ciprian | Magnone, LLCAtty. for Representative: Sylla BangalyAddress: 8501 W. Higgins Suite 440City/State/Zip: Chicago, IL 60631Telephone: 773-399-1122

Judge

Judge's No. 12

*Strike if not applicable

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILL.

EXHIBIT

A